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EXHIBITS TO THE COMPLAINT

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TTAB Status

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**Word Mark DUCK DIVE**

Goods and Services IC 025. US 022 039. G & S: Baseball caps and hats; T-shirts. FIRST USE: 20120330. FIRST USE IN COMMERCE: 20120330

IC 043. US 100 101. G & S: Bar services; Restaurant services. FIRST USE: 20120330. FIRST USE IN COMMERCE: 20120330

Mark

Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 02.03.02 - Silhouettes of women; Women depicted as shadows or silhouettes of women
 02.09.19 - Diving, humans; Humans, including men, women and children, depicted playing games or engaged in other sports; Playing games or sports, humans
 06.03.03 - Ocean; Ripples (multiple waves); Waves, open sea (multiple waves)
 21.03.27 - Body boards; Snowboards; Surfboards
 26.03.21 - Ovals that are completely or partially shaded

Serial Number 85889133

Filing Date March 28, 2013

Current Basis 1A

Original Filing Basis 1A

Owner (APPLICANT) THE DUCK DIVE, LP DBA Duck Dive Doug Sodomowicz, Thomas Winn, Billy Ramirez, Peter Cich LIMITED PARTNERSHIP CALIFORNIA 6796 Malachite Place Carlsbad CALIFORNIA 92009

Attorney of Record Kristen N. Gonzales

Description Color is not claimed as a feature of the mark. The mark consists of a stylized wave shape with lighter shading toward

EXHIBIT 1

Trademark Electronic Search System (TESS)

of Mark the outer right portion of the wave, encircled by an elongated oval with the words "DUCK DIVE" in stylized lettering cutting across the top portion of the elongated oval and extending beyond the oval itself. Within the oval shape, is the silhouette of a woman positioned toward the bottom of the oval holding a surfboard in the position of a "duck dive," appearing to dive under the wave inside the elongated oval.

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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DUCK DIVE

Word Mark DUCK DIVE

Goods and Services IC 025. US 022 039. G & S: Baseball caps and hats; T-shirts. FIRST USE: 20120330. FIRST USE IN COMMERCE: 20120330

IC 043. US 100 101. G & S: Bar services; Restaurant services. FIRST USE: 20120330. FIRST USE IN COMMERCE: 20120330

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85888258

Filing Date March 27, 2013

Current Basis 1A

Original Filing Basis 1A

Owner (APPLICANT) THE DUCK DIVE, LP DBA Duck Dive Doug Sodomowicz, Thomas Winn, Billy Ramirez, Peter Cich LIMITED PARTNERSHIP CALIFORNIA 6796 Malachite Place Carlsbad CALIFORNIA 92009

Attorney of Record Kristen N. Gonzales

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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THE DUCK DIVE

Word Mark	THE DUCK DIVE
Goods and Services	IC 043. US 100 101. G & S: Bar services; Restaurant services
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85802943
Filing Date	December 14, 2012
Current Basis	1B
Original Filing Basis	1B
Published for Opposition	March 26, 2013
Owner	(APPLICANT) HEYDARI, MICHAELINE INDIVIDUAL UNITED STATES 28955 SELFRIDGE DRIVE MALIBU CALIFORNIA 90265
Attorney of Record	MICHAELINE A. RE
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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DUCK DIVE GASTROPUB

Word Mark DUCK DIVE GASTROPUB
Goods and Services IC 043. US 100 101. G & S: Bar services; Restaurant services
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85897367
Filing Date April 7, 2013
Current Basis 1B
Original Filing Basis 1B
Owner (APPLICANT) Duck Dive Gastropub, Inc. CORPORATION CALIFORNIA 1001 S. TOWNE AVENUE, #105 1880 Century Park East, Suite 1600 LOS ANGELES CALIFORNIA 90067
Attorney of Record MICHAELINE A RE
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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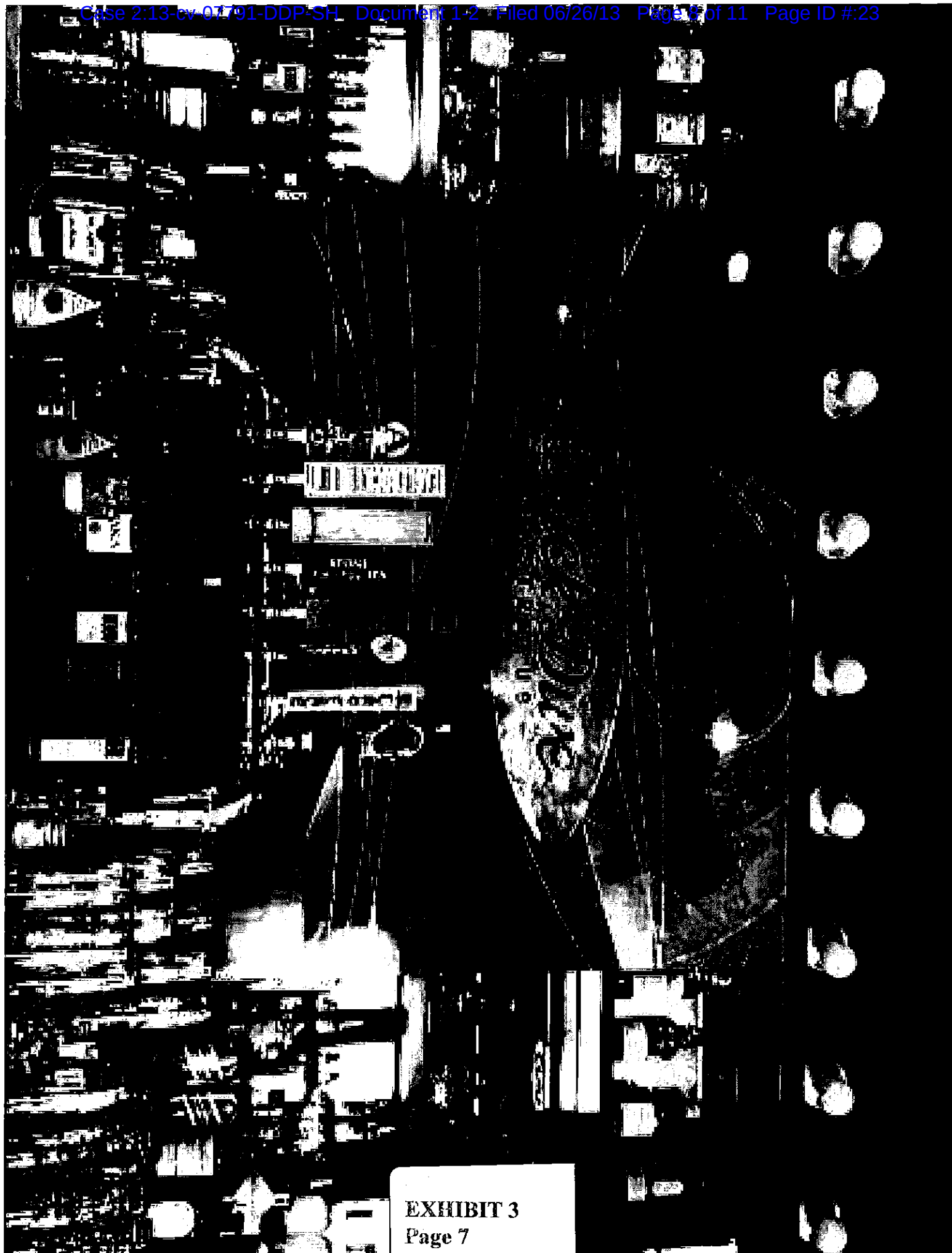
DUCK DIVE GASTROPUB MALIBU

Word Mark DUCK DIVE GASTROPUB MALIBU
Goods and Services IC 043. US 100 101. G & S: Bar services; Restaurant services, namely, providing of food and beverages for consumption on and off the premises
Standard Characters
Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85890380
Filing Date March 29, 2013
Current Basis 1B
Original Filing Basis 1B
Owner (APPLICANT) Duck Dive Gastropub, Inc. CORPORATION CALIFORNIA 1880 Century Park East, Suite 1600
LOS ANGELES CALIFORNIA 90067
Attorney of Record MICHAELINE A RE
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MALIBU" APART FROM THE MARK AS SHOWN
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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LOS ANGELES



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A Handy Guide to LA's Most Iconic Sandwiches



EATERWIRE

Duck Dive to Malibu; the LA King's Fundraiser; More!

Wednesday, March 6, 2013, by Daniela Galarza

MALIBU— Nearly everyone was

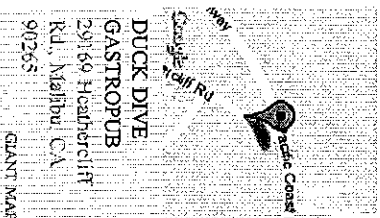
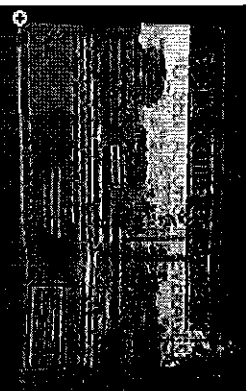
surprised when **Paul Shoemaker's Savory** in Malibu closed late last year. Except landlord **Zan Marquis**, who may or may not have had something to do with the shutter.

Regardless, Marquis has leased the old Savory space to a new tenant:

Duck Dive Gastropub. This is Duck Dive's second location; the first is in San Diego. [EaterWire]

DOWNTOWN— Hockey fans, listen up. **The Los Angeles Kings** are hosting a fundraiser for the Kings Care Foundation at downtown's **Fleming's Prime Steakhouse** at LA LIVE this Sunday, March 10. Tickets start at \$750, but that's a small price to pay for a meal and drinks served by the Kings themselves. Plus, it's for a good cause. All team members will be in attendance. Reservations may be made online. [EaterWire]

SANTA MONICA— A new raw restaurant opened this past Saturday in Santa Monica, notes Grub Street. On opening night, **Raw Star Cafe** took \$25 from



DOWNTOWN

MALIBU

ALAN GIRAUD

CULINARY

MASTERS DINNER SERIES

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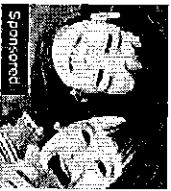
- Culinary Manager at Munchery
- Cheesemonger / Wine Bar Server at Righteous Cheese



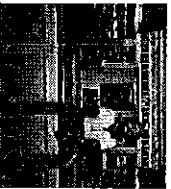
each guest, but failed to provide an all-you-can-eat meal as promised. Sounds like a raw deal indeed. [GS]

MANHATTAN BEACH—The Strand House is hosting guests for an especially luxurious evening this coming Monday, March 11. Chef **Alain Giraud** (Maison Giraud) will be preparing a five course caviar dinner. **Petrossian Paris** will be on hand with caviar tasting notes. **The Cheese Store of Beverly Hills** will serve a cheese course, and **Perrier Jouet** is bringing the champagne. The event, priced at \$200 a person, is expected to sell out. Reservations can be made by calling 310-545-7470. [EaterWire]

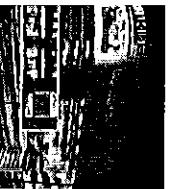
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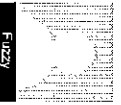


Eater LA
Anthony Bourdain
Coming to SoCal to
Open Les Halles!??

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Good luck guys I hope you have an iron-clad lease and a good lawyer. Your landlord is soulless.

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GASTROPUB

EATERWIRE

FLEMINGS PRIME
STEAKHOUSE

RAW STAR CAFE

THE CHEESE STORE
1 COMMENT



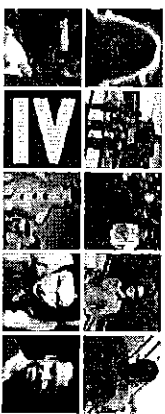
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